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No. 03-1397

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IN THE
SUPREME COURT OF THE UNITED STATES

CIVIL LIBERTIES FOR URBAN BELIEVERS, CHRIST CENTER, CHRISTIAN COVENANT OUTREACH CHURCH, HIS WORD MINISTRIES TO ALL NATIONS, CHRISTIAN BIBLE CHURCH, CHURCH ON THE "WAY" PRAISE CENTER, and MONTE DE SION (MOUNT ZION) CHURCH,

Petitioners,

v.

CITY OF CHICAGO,

Respondent.

On Petition for a Writ of Certiorari to the
United States Court of Appeals
for the Seventh Circuit

OBJECTION TO MOTION BY AMERICAN JEWISH CONGRESS, ET AL., FOR LEAVE TO FILE BRIEF AS *AMICI CURIAE* IN SUPPORT OF PETITIONERS

MARA S. GEORGES
Corporation Counsel
of the City of Chicago
LAWRENCE ROSENTHAL
Deputy Corporation Counsel
BENNA RUTH SOLOMON
Chief Assistant Corporation Counsel
SUZANNE M. LOOSE*
Assistant Corporation Counsel
Suite 800
30 North LaSalle Street
Chicago, Illinois 60602
(312) 744-4439

Attorneys for Respondent

Counsel of Record

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CIVIL LIBERTIES FOR URBAN BELIEVERS, CHRIST CENTER, CHRISTIAN COVENANT OUTREACH CHURCH, HIS WORD MINISTRIES TO ALL NATIONS, CHRISTIAN BIBLE CHURCH, CHURCH ON THE "WAY" PRAISE CENTER, and MONTE DE SION (MOUNT ZION) CHURCH,

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Respondent, the CITY OF CHICAGO, by its attorney, MARA S. GEORGES, Corporation Counsel of the City of Chicago, hereby objects to the motion by the American Jewish Congress, et al., for leave to file brief as *amici curiae*, and states the following in support of its objection:

1. The American Jewish Congress, et al., primarily urge review of the court of appeals' determination that Chicago's zoning ordinance does not substantially burden churches. These

amici argue that this Court's review is needed on the general issue of siting churches and other religious centers based on instances in other cities and towns in which particular religious establishments have been unable to locate under other zoning laws. *Amici* do not comment at all on the record in this case, nor do they explain why this case is an appropriate vehicle for addressing the issue they press. Indeed, Amici's brief reflects no familiarity with the record in this case. For that reason, leave to file the proposed *amicus* brief should be denied.

2. The proposed *amicus* brief primarily discusses a host of problems that a church may encounter when a zoning ordinance either prohibits or significantly constrains construction or expansion of houses of worship, leading to overcrowding. See AJC Br. 3-4. *Amici* never explain what any of the anecdotes have to do with this case. *Amici* also discuss anecdotal evidence (not in the record and not involving Chicago) that zoning laws are frequently used to prevent new churches from opening. See id. at 4-11. Whatever problems might be presented in a case where a particular church has been targeted for discriminatory treatment or has been effectively excluded from a jurisdiction, those problems are not presented by the record in this case. Since *amici* completely ignore that record, their brief is not useful in assessing whether review of this case is warranted.

3. Indeed, these *amici* make no reference to the actual

zoning provisions at issue in this case or to the evidence in the record that relates to the question whether petitioners are, in fact, substantially burdened by Chicago's ordinance. An *amicus* brief utterly indifferent to the facts of the case before the Court is surely not appropriate for consideration with respect to the petition for certiorari.

WHEREFORE, the respondent, the City of Chicago, objects to the motion of the American Jewish Congress, et al., for leave to file a brief as *amici curiae* in support of petitioners, and respectfully requests that the motion be denied.

Respectfully submitted,

MARA S. GEORGES
Corporation Counsel
of the City of Chicago
LAWRENCE ROSENTHAL
Deputy Corporation Counsel
BENNA RUTH SOLOMON
Chief Assistant Corporation Counsel

By: _____
SUZANNE M. LOOSE*
Assistant Corporation Counsel
Suite 800
30 North LaSalle Street
Chicago, Illinois 60602
(312) 744-4439/7764

Attorneys for Respondent

*Counsel of Record

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CERTIFICATE OF SERVICE

I certify that I served all parties required to be served with the Objection to Motion by the American Jewish Congress, et al., for Leave to File Brief as Amici Curiae in Support of Petitioners by placing a copy of the objection in envelopes addressed to the persons named below, at the addresses indicated, and delivering those envelopes to a third-party commercial carrier for overnight delivery on May 12, 2004.

SUZANNE M. LOOSE

PERSONS SERVED:

John Mauck
MAUCK & BAKER
1 North LaSalle Street
Suite 2001
Chicago, Illinois 60602

Mark Stern
Ara Gershengorn
U.S. Department of Justice
601 D Street, N.W.
Room 9142
Washington, D.C. 20530-0001

Theodore G. Olson
Solicitor General of the United States
950 Pennsylvania Ave., NW
Room 5143
Washington, D.C. 20530-0001

Carter G. Phillips
Gene C. Schaerr
Rebecca K. Wood
David S. Petron
SIDLEY AUSTIN BROWN & WOOD
1501 K Street, NW
Washington, D.C. 20005

Von G. Keetch
Alexander Dushku
Matthew K. Richards
Kirton & McConkie
60 East South Temple
Suite 1800
Salt Lake City, Utah 84145